

103^D CONGRESS
1ST SESSION

H. R. 957

To amend title 18, United States Code, and other provisions of law, to make them consistent with the Sentencing Reform Act of 1984.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 17, 1993

Mr. EDWARDS of California introduced the following bill; which was referred to the Committee on the Judiciary

JULY 20, 1993

Additional sponsors: Mr. CLAY, Mrs. UNSOELD, Mr. TOWNS, Mr. DELLUMS, Mr. DEFAZIO, Mr. HASTINGS, Mr. SERRANO, Mr. McDERMOTT, Mr. SABO, Mrs. MINK, Mr. CONYERS, Mr. MURPHY, Mr. WATT, Mr. FLAKE, Mr. RANGEL, Mr. KOPETSKI, Mr. LEWIS of Georgia, Mr. HINCHEY, Mr. SYNAR, Mr. HAMBURG, Mr. HILLIARD, Mrs. SCHROEDER, Mr. JEFFERSON, Mr. SWIFT, and Mr. JACOBS

A BILL

To amend title 18, United States Code, and other provisions of law, to make them consistent with the Sentencing Reform Act of 1984.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 (a) that this Act may be cited as the “Sentencing Uni-
4 formity Act of 1993”.

5 (1) Section 102 of the Revised Statutes of the
6 United States (2 U.S.C. 192) is amended by striking

1 “deemed guilty” and all that follows through the end
2 of such section and inserting “fined under title 18,
3 United States Code, or imprisoned not more than
4 one year, or both.”.

5 (2) Section 11 of the Federal Contested Elec-
6 tions Act (2 U.S.C. 390) is amended by striking
7 “deemed guilty” and all that follows through the end
8 of such section and inserting “fined under title 18,
9 United States Code, or imprisoned not more than
10 one year, or both.”.

11 (b) LAWS CODIFIED IN TITLE 7 OF THE UNITED
12 STATES CODE.—

13 (1) Section 6b of the Commodity Exchange Act
14 (7 U.S.C. 13a) is amended by striking “shall be
15 fined not more than \$100,000, or imprisoned for not
16 less than six months nor” and inserting “shall be
17 fined under title 18, United States Code, or impris-
18 oned not”.

19 (2) Section 6(c) of the Commodity Exchange
20 Act (7 U.S.C. 13b) is amended by striking “shall be
21 fined” and all that follows through “not less than
22 six months nor” and inserting “ shall be fined under
23 title 18, United States Code, or imprisoned not”.

24 (3) Section 205(3) of the Packers and Stock-
25 yards Act, 1921 (7 U.S.C. 195) is amended by strik-

1 ing “on conviction” and all that follows through
2 “five years” and inserting “be fined under title 18,
3 United States Code, or imprisoned not more than 5
4 years”.

5 (3) Section 15(b)(1) of the Food Stamp Act of
6 1977 (7 U.S.C. 2024(b)(1)) is amended by striking
7 “less than six months nor”.

8 (4) Section 15(c) of the Food Stamp Act of
9 1977 (7 U.S.C. 2024(c)) is amended by striking
10 “less than one year nor”.

11 (c) LAWS CODIFIED IN TITLE 12 OF THE UNITED
12 STATES CODE.—Section 25A of the Federal Reserve Act
13 (12 U.S.C. 617 and 630) is amended—

14 (1) by striking “liable to a fine” and all that
15 follows through “five years, or both, in the discretion
16 of the court” and inserting “fined under title 18,
17 United States Code, or imprisoned not more than 5
18 years, or both”; and

19 (2) by striking “upon conviction thereof” and
20 all that follows through “\$5,000, in the discretion of
21 the court” and inserting “be fined under title 18,
22 United States Code, or imprisoned not more than 10
23 years, or both”.

24 (d) LAWS CODIFIED IN TITLE 15 OF THE UNITED
25 STATES CODE.—

1 (1) Section 73 of the Wilson Tariff Act (15
2 U.S.C. 8) is amended by striking “is guilty of a mis-
3 demeanor” and all that follows through “twelve
4 months” and inserting “shall be fined under title 18,
5 United States Code, or imprisoned not more than
6 one year, or both”.

7 (2) Section 7(b) of the Act of August 12, 1958
8 (15 U.S.C. 1245(b)) is amended by striking “not
9 less than five years and”.

10 (e) LAWS CODIFIED IN TITLE 16 OF THE UNITED
11 STATES CODE.—Section 2 of the Act of March 3, 1897
12 (16 U.S.C. 414) is amended by striking “guilty of a mis-
13 demeanor” and all that follows through the end of such
14 section and inserting “fined under title 18, United States
15 Code, or imprisoned not more than 30 days, or both.”.

16 (f) AMENDMENTS TO TITLE 18 OF THE UNITED
17 STATES CODE.—

18 (1) Section 3561(a) of title 18, United States
19 Code, is amended to read as follows:

20 “(a) IN GENERAL.—A defendant who has been found
21 guilty of an offense may be sentenced to a term of proba-
22 tion unless the defendant is sentenced at the same time
23 to a term of imprisonment for the same or different
24 offense.”.

1 (2) Section 225(a) of title 18, United States
2 Code, is amended by striking “for a term” and all
3 that follows through “life” and inserting “for any
4 term or years or for life, or both”.

5 (3) Section 844(h) of title 18, United States
6 Code, is amended—

7 (A) by inserting “not more than” before
8 “five years”;

9 (B) by inserting “not more than” before
10 “ten years”; and

11 (C) by striking “the court shall not place”
12 and all that follows through “imposed under
13 this subsection” and inserting “a term imposed
14 under this subsection shall not”.

15 (4) Section 924(c)(1) of title 18, United States
16 Code, is amended—

17 (A) by inserting “not more than” before
18 “five years”;

19 (B) by inserting “not more than” before
20 “ten years”;

21 (C) by inserting “not more than” before
22 “thirty years”;

23 (D) by inserting “not more than” before
24 “twenty years”;

1 (E) by striking “without release” and in-
2 serting “or to imprisonment for any term of
3 years”;

4 (F) by striking “the court shall not place”
5 and all that follows through “imposed under
6 this subsection” and inserting “a term imposed
7 under this subsection shall not”; and

8 (G) by striking the last sentence.

9 (5) Section 924(e)(1) of title 18, United States
10 Code, is amended by striking “not less than fifteen
11 years” and all that follows through the end of para-
12 graph (1) and inserting “any term of years.”

13 (6) Section 929 of title 18, United States Code,
14 is amended—

15 (A) in subsection (a)(1), by striking “not
16 less than five years” and inserting “any term of
17 years”;

18 (B) in subsection (b), by striking “the
19 court shall not” and all that follows through
20 “the terms of imprisonment” and inserting “a
21 term of imprisonment under this section shall
22 not”; and

23 (C) by striking the last sentence of sub-
24 section (b).

1 (7) Section 1091(b)(1) of title 18, United
2 States Code, is amended by inserting “any term of
3 years or for” before “life”.

4 (8) Section 1111(b) of title 18, United States
5 Code, is amended by inserting “any term of years or
6 for” before “life” the first place it appears.

7 (9) Section 1116(a) of title 18, United States
8 Code, is amended by inserting “any term of years or
9 for” before “life”.

10 (10) Section 1651 of title 18, United States
11 Code, is amended by inserting “any term of years or
12 for” before “life”.

13 (11) Section 1652 of title 18, United States
14 Code, is amended by inserting “any term of years or
15 for” before “life”.

16 (12) Section 1653 of title 18, United States
17 Code, is amended by inserting “any term of years or
18 for” before “life”.

19 (13) Section 1655 of title 18, United States
20 Code, is amended by inserting “any term of years or
21 for” before “life”.

22 (14) Section 1658 of title 18, United States
23 Code, is amended by striking “not less than ten
24 years and may be imprisoned” and inserting “for
25 any term or years or”.

1 (15) Section 1661 of title 18, United States
2 Code, is amended by striking “, for each offense”
3 and all that follows through “days nor” and insert-
4 ing “be fined under this title, or imprisoned not”.

5 (16) Section 2113(e) of title 18, United States
6 Code, is amended by striking “not less than ten
7 years” and inserting “for any term or years or for
8 life”.

9 (17) Section 2251(d) of title 18, United States
10 Code, is amended by striking “less than five years
11 nor”.

12 (18) Section 2251A of title 18, United States
13 Code, is amended by striking “not less than 20
14 years” each place it appears and inserting “any
15 term of years”.

16 (19) Section 2252(b)(1) of title 18, United
17 States Code, is amended by striking “less than five
18 years nor”.

19 (20) Section 2257(i) of title 18, United States
20 Code, is amended by striking “imprisoned for any
21 period” and all that follows through the end of sub-
22 section (i) and inserting “fined under this title or
23 imprisoned for not more than 5 years, or both.”.

24 (21) Section 2381 of title 18, United States
25 Code, is amended—

1 (A) by striking “not less than \$10,000”
2 and inserting “under this title”; and

3 (B) by striking “not less than five years”
4 and inserting “for life or for any term of
5 years”.

6 (g) AMENDMENT TO LAW CODIFIED IN TITLE 19 OF
7 THE UNITED STATES CODE.—Section 3113 of the Re-
8 vised Statutes of the United States (19 U.S.C. 283) is
9 amended by striking “not less than three months, and”.

10 (h) AMENDMENTS TO LAWS CODIFIED IN TITLE 21
11 OF THE UNITED STATES CODE.—

12 (1) Section 11 of the Act of March 3, 1915 (21
13 U.S.C. 212) is amended by striking “deemed guilty
14 of a misdemeanor” and all that follows through
15 “discretion of the court” and inserting “fined under
16 title 18, United States Code, or imprisoned not more
17 than 60 days, or both”.

18 (2) Section 22 of the Federal Meat Inspection
19 Act (21 U.S.C. 622) is amended—

20 (A) by striking “deemed guilty of a felony”
21 the first place it appears and all that follows
22 through “three years” and inserting “fined
23 under title 18, United States Code, or impris-
24 oned not more than 3 years, or both”; and

1 (B) by striking “deemed guilty of a felony”
2 the second place it appears and all that follows
3 through the end of the section, and inserting
4 “summarily discharged from office and shall be
5 fined under title 18, United States Code, or im-
6 prisoned not more than 3 years, or both.”.

7 (3) Section 401(b)(1) of the Controlled Sub-
8 stances Act (21 U.S.C. 841(b)(1) is amended—

9 (A) in subparagraph (A)—

10 (i) by striking “which may not be less
11 than 10 years or” and all that follows
12 through “20 years or more than” and in-
13 serting “of any term of years or for”;

14 (ii) by striking “which may not be less
15 than 20 years and not more than life im-
16 prisonment” and inserting “of any term of
17 years or for life”;

18 (iii) by striking “and if death” the
19 second place it appears and all that follows
20 through “life imprisonment,” and inserting
21 a comma;

22 (iv) by striking “without release” and
23 inserting “or for any term of years”; and

24 (v) by striking the last two sentences;

25 (B) in subparagraph (B)—

1 (i) by striking “less than 5 years and
2 not”;

3 (ii) by striking “not less than 20
4 years or more than life” and inserting “for
5 life or any term of years”;

6 (iii) by striking “less than 10 years
7 and not”;

8 (iv) by striking “life imprisonment, a
9 fine” and inserting “imprisonment for life
10 or any term of years, a fine”; and

11 (v) by striking the last two sentences;
12 and

13 (C) in subparagraph (C), by striking “less
14 than twenty years or”.

15 (4) Section 404 of the Controlled Substances
16 Act (21 U.S.C. 844) is amended—

17 (A) by striking “not less than 15 days
18 but”;

19 (B) by striking “a minimum of \$2,500”
20 and inserting “under this title”;

21 (C) by striking “not less than 90 days
22 but”;

23 (D) by striking “a minimum of \$5,000”
24 and inserting “under this title”;

1 (E) by striking “not less than 5 years
2 and”;

3 (F) by striking “a minimum of \$1,000”
4 each place it appears and inserting “under this
5 title”; and

6 (G) by striking the sentence beginning
7 “The imposition”;

8 (5) Section 408 of the Controlled Substances
9 Act (21 U.S.C. 848) is amended—

10 (A) in subsection (a), by striking “which
11 may not be less” and all that follows through
12 “up to” each place they appear and inserting
13 “for any term of years or to”;

14 (B) in subsection (b), by inserting “any
15 term of years or for” before “life” and

16 (B) by striking subsection (d).

17 (6) Section 408(e) of the Controlled Substances
18 Act (21 U.S.C. 848(e)) is amended—

19 (A) by striking out “any term of imprison-
20 ment” each place it appears and inserting “a
21 term of imprisonment”; and

22 (B) by striking “which shall not be less”
23 and all that follows through “up to life impris-
24 onment” each place they appear and inserting
25 “for life or any term of years”.

1 (7) Section 418 of the Controlled Substances
2 Act (21 U.S.C. 859) is amended—

3 (A) by striking each sentence beginning
4 with “Except to the extent”; and

5 (B) by striking the sentence at the end of
6 subsection (a) that begins with “The mandatory
7 minimum”.

8 (8) Section 419 of the Controlled Substances
9 Act (21 U.S.C. 860) is amended—

10 (A) in each of subsections (a) and (b), by
11 striking the sentence beginning with “Except to
12 the extent”; and

13 (B) by striking the sentence at the end of
14 subsection (a) that begins with “The mandatory
15 minimum”;

16 (C) in subsection (b), by striking “of not
17 less than three years and not more than life im-
18 prisonment” and inserting “for life or any term
19 or years”; and

20 (D) by striking subsection (c).

21 (9) Section 420 of the Controlled Substances
22 Act (21 U.S.C. 861) is amended—

23 (A) in subsection (b), by striking the last
24 sentence;

1 (B) in subsection (c), by striking the pe-
2 nultimate sentence; and

3 (C) by striking subsection (e).

4 (10) Section 1010(b) of the Controlled Sub-
5 stances Act (21 U.S.C. 960(b) is amended—

6 (A) in paragraph (1)—

7 (i) by striking “of not less than 10
8 years and” and all that follows through
9 “20 years and not more than life,” the
10 first place it appears and inserting “for life
11 or any term of years,”;

12 (ii) by striking “of not less than 20
13 years and not more than life imprison-
14 ment” and inserting “for life or any term
15 of years”;

16 (iii) by striking “and if death” and all
17 that follows through “life imprisonment,”
18 and inserting a comma; and

19 (iv) by striking the last two sentences;

20 (B) in paragraph (2)—

21 (i) by striking “not less than 5 years
22 and”;

23 (ii) by striking “not less than twenty
24 years and”;

1 (iii) by striking “not less than 10
2 years and”; and

3 (iv) by striking the last sentence; and

4 (C) in paragraph (3), by striking “not less
5 than twenty years and”.

6 (i) AMENDMENT TO LAW CODIFIED IN TITLE 22 OF
7 THE UNITED STATES CODE.—Section 1750 of the Re-
8 vised Statutes of the United States (22 U.S.C. 4221) is
9 amended by striking “nor less than one year”.

10 (j) AMENDMENTS TO LAWS CODIFIED IN TITLE 33
11 OF THE UNITED STATES CODE.—

12 (1) Section 2 of the Act of May 9, 1900 (33
13 U.S.C. 410) is amended by striking “any violation
14 thereof” and all that follows through “committed
15 against the United States” and inserting “whoever
16 violates any such rule or regulation shall be fined
17 under title 18, United States Code, or imprisoned
18 not more than one year, or both”.

19 (2) Section 16 of the Act of March 3, 1899 (33
20 U.S.C. 411) is amended by striking “shall be guilty”
21 and all that follows through “discretion of the
22 court” and inserting “shall be fined under title 18,
23 United States Code, or imprisoned not more than
24 one year, or both”.

1 (3) Section 1 of the Act of June 29, 1888 (33
2 U.S.C. 441) is amended—

3 (A) by striking “and every such act is
4 made a misdemeanor,”; and

5 (B) by striking “, upon conviction” and all
6 that follows through “obtained shall decide”
7 and inserting “be fined under title 18, United
8 States Code, or imprisoned not more than one
9 year, or both”.

10 (4) Section 3 of the Act of June 29, 1888 (33
11 U.S.C. 447) is amended by striking “, on conviction” and all that follows through “one year” and
12 inserting “be fined under title 18, United States
13 Code, or imprisoned not more than one year, or
14 both”.

15 (k) AMENDMENT TO LAW CODIFIED IN TITLE 45 OF
16 THE UNITED STATES CODE.—Section 15 of the Act of
17 July 2, 1864 (45 U.S.C. 83) is amended by striking
18 “deemed guilty” and all that follows through “six months”
19 and inserting “fined under title 18, United States Code,
20 or imprisoned not more than 6 months, or both”.

21 (l) AMENDMENT TO LAW IN TITLE 46 OF THE
22 UNITED STATES CODE AND ITS APPENDIX.—Section
23 806(b) of the Merchant Marine Act, 1936 (46 U.S.C. App.
24 1228) is amended by striking “less than one year or”.
25

1 (m) AMENDMENTS TO LAWS CODIFIED IN TITLE 47
2 OF THE UNITED STATES CODE.—

3 (1) Section 5 of the Act of August 7, 1888 (47
4 U.S.C. 13) is amended by striking “guilty of a mis-
5 demeanor” and all that follows through “less than
6 six months” and inserting “fined under title 18,
7 United States Code, or imprisoned not more than 6
8 months, or both”.

9 (2) Section 220(e) of the Communications Act
10 of 1934 (47 U.S.C. 220(e)) is amended by striking
11 “deemed guilty” and all that follows through “That
12 the” and inserting “fined under title 18, United
13 States Code, or imprisoned not more than 3 years,
14 or both. However, the”.

15 (n) AMENDMENTS TO LAWS IN TITLE 49 OF THE
16 UNITED STATES CODE AND ITS APPENDIX.—

17 (1) Section 11911 of title 49, United States
18 Code, is amended—

19 (A) in subsection (a)—

20 (i) by striking “at least \$1,000 but”;

21 and

22 (ii) by striking “at least one year
23 but”; and

24 (B) in subsection (b)—

1 (i) by striking “at least \$1,000 but”;

2 and

3 (ii) by striking “at least one year

4 but”.

5 (2) Section 902(i)(1) of the Federal Aviation

6 Act of 1958 (49 U.S.C. App. 1472(i)(1)) is amend-

7 ed—

8 (A) by striking “not less than 20 years”

9 and inserting “any term of years”; and

10 (B) by inserting “or for any term of years”

11 after “imprisonment for life”.

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